

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:08cv538
(CRIMINAL CASE NO. 1:06cr13-1)**

SHAFEEQ MUHAMMAD,)	
)	
Petitioner,)	
)	
vs.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

THIS MATTER comes before the Court on Petitioner’s Amended Motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence, filed January 30, 2009 [Doc. 3].

Petitioner appears to allege in his Amended Motion to Vacate that he was subjected to numerous instances of ineffective assistance of counsel; that the Court erred in failing to announce its reasons for sentencing him as a career offender; that he was subjected to “plain error” by virtue of his attorney’s ineffective failure to address his claims on direct appeal; and that he is entitled to a sentence reduction by virtue of his role as a minor

participant and the crack cocaine amendments to the U.S. Sentencing Guidelines.

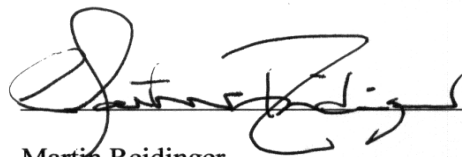
After careful consideration of those allegations along with the record of prior proceedings, the Court has determined that the United States Attorney should be required to file an Answer to Petitioner's allegations. See Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts. Consequently, the Government will be required to file a detailed response to all of the allegations contained in Petitioner's Amended Motion to Vacate.

IT IS, THEREFORE, ORDERED that:

1. No later than forty (40) days from the filing of this Order, the United States Attorney shall file an Answer to Petitioner's Amended Motion to Vacate [Doc. 3] detailing his allegations and responding to each; and
2. The Clerk shall send copies of this Order to the Petitioner and counsel for the Government.

IT IS SO ORDERED.

Signed: September 8, 2010


Martin Reidinger
United States District Judge

